WallyW. Wadsworth 606 W. Wheatland Rd., Suite 107 Duncanville, TX 75116 (972) 298-3100 law@wallywadsworth.com

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

IN RE: CASE NO.: 17-45039-ELM-13

FRANK VALADEZ TORRES

615 LAZY RIVER DRIVE DUNCANVILLE, TX 75116 SSN/TIN: XXX-XX-0480

RACHEL HERNANDEZ TORRES

615 LAZY RIVER DRIVE DUNCANVILLE, TX 75116 SSN/TIN: XXX-XX-0569

DEBTOR(S) PRE-HEARING CONFERENCE DATE: <u>FEBRUARY 14, 2020</u> TIME: <u>8:30</u> AM

DEBTOR'S MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

PLAN MODIFICATION DATE: 1-06-2020

UNLESS OTHERWISE SET OUT IN THIS *PLAN MODIFICATION*, ALL PROVISIONS, SCHEDULED AMOUNTS, VALUATIONS, INTEREST RATES, MONTHLY PAYMENT AMOUNTS, AND ASSUMPTIONS OR REJECTIONS OF UNEXPIRED LEASES OR EXECUTORY CONTRACTS ("TERMS") ARE NOT MODIFIED AND SHALL REMAIN AS SET FORTH IN THE CHAPTER 13 *PLAN*, THE ORDER CONFIRMING THE CHAPTER 13 *PLAN*, THE ORDER APPROVING THE *TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS*, OR AN ORDER APPROVING A PRIOR MODIFICATION OF THE CHAPTER 13 *PLAN*, WHICHEVER WAS ENTERED LATER. ALL TERMS SHALL BE INCORPORATED IN AND CONSTITUTE PROVISIONS OF THIS *PLAN MODIFICATION*. ALL PARTIES SHALL BE BOUND BY THE TERMS OF THIS *PLAN MODIFICATION* UNLESS DISAPPROVED. LANGUAGE IN ITALICIZED TYPE IN THIS *PLAN MODIFICATION* IS DEFINED IN GENERAL ORDER 2017-01 STANDING ORDER CONCERNING CHAPTER 13 CASES AND AS IT MAY BE SUPERSEDED OR AMENDED ("GENERAL ORDER"). ALL PROVISIONS OF THE GENERAL ORDER SHALL APPLY TO THIS *PLAN MODIFICATION* AS IF FULLY SET OUT HEREIN.

Pursuant to 11 U.S.C. §1329 Debtor requests the following modification(s) to the Debtor's Chapter 13 Plan.

I. REASON(S) FOR MODIFICATION

X	_1. Cure <i>Plan</i> arrears to the <i>Trustee</i> .
	_2. Provide for or modify treatment of a Secured (paragraph V) and/or Priority (paragraph VI) claim.
	3. Provide for payment to the <i>Mortgage Lender</i> through the <i>Conduit Program</i> (paragraph III).
-	_4. Cure any post-petition <i>Mortgage Arrearage</i> (paragraph IV).
	_5. Make <i>Plan</i> sufficient based on allowed claims.
	6. Modify the Unsecured Creditors' Pool from \$to \$
-	7. Modify the value of non-exempt property from \$ to \$
	8. Supersede an Interlocutory Order (Docket #).
X	9. Allow Debtor's counsel's fees for this modification (paragraph VII).
	10. Other:

II. NEW PLAN PAYMENT TO TRUSTEE AMOUNT AND TERM

DATE OF CALCULATION:	01-06-2020
TOTAL PAID IN*:	\$ 9.876.00

The *Plan Payment(s)* to the *Trustee* shall be changed to:

Start Date** (MM/DD/YY)	Number of Periods	Plan Payment Monthly Amount
January 13, 2020	36	\$451.00

NEW *BASE AMOUNT*: \$ 26,112.00

III. CURRENT POST-PETITION MORTGAGE PAYMENTS TO BE DISBURSED BY THE TRUSTEE

Mortgage Lender	Current Mortgage Payment Amount	Date to Resume Current Post-Petition Mortgage Payments* (MM/DD/YY)

*IF THE DEBTOR DOES NOT INCLUDE A DATE TO RESUME THE CURRENT POST-PETITION MORTGAGE PAYMENTS IN A CASE THAT IS A CONDUIT CASE AT THE TIME THIS PLAN MODIFICATION IS FILED, THE DATE TO RESUME DISBURSING THE CURRENT POST-PETITION MORTGAGE PAYMENTS SHALL BE THE FIRST DAY OF THE SECOND MONTH FOLLOWING THE START DATE OF THE FIRST PLAN PAYMENT UNDER THIS PLAN MODIFICATION.

- 1. *Current Post-Petition Mortgage Payments* shall be paid by the *Trustee* as set out in paragraph III of this *Plan Modification* or as otherwise provided in the General Order.
- 2. Current Post-Petition Mortgage Payment Arrearages due as of the date to resume the Current Post-Petition Mortgage Payments shall be paid by the Trustee as set out in paragraph IV of this Plan Modification or as otherwise provided in the General Order.
- 3. Any *Current Post-Petition Mortgage Payments* indicated herein reflects what the *Debtor* believes are the periodic payment amounts owed to the *Mortgage Lender*.
- 4. Adjustment of the *Plan Payment* and *Base Amount* shall be calculated as set out in the General Order Paragraph 15(c)(3).
- 5. Payments received by the *Trustee* for payment of the *Debtor's Current Post-Petition Mortgage Payment(s)* shall be deemed adequate protection to the creditor.
- 6. Upon completion of all *Plan Payments*, *Debtor(s)* shall resume making the *Current Post-Petition Mortgage Payments* required by contract on the due date following the date specified in the *Trustee's* records as the date through which the *Trustee* made the last *Current Post-Petition Mortgage Payment*.
- 7. Unless otherwise ordered by the Court, if a *Conduit Debtor* is current on his/her *Plan Payments* or the payment(s)

^{*}Provide the total amount paid to the *Trustee* as of the Date of Calculation less any refunds by the Trustee to the *Debtor*.

^{**}DEBTOR'S NEW PLAN PAYMENT START DATE MAY NOT BE MORE THAN THIRTY (30) DAYS FROM THE DATE OF THIS PLAN MODIFICATION AND MUST BE THE SAME DAY OF THE MONTH THAT THE DEBTOR'S PLAN PAYMENT IS DUE UNDER THE CONFIRMED PLAN.

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due pursuant to any wage directive, the Mortgage Lender shall be deemed current post-petition.

- 8. Each claim secured by the *Debtor's* principal place of residence shall constitute a separate class.
- 9. *Mortgage Lenders* shall retain their liens.

IV. PROVIDE FOR ANY POST-PETITION MORTGAGE ARREARAGE

Mortgage Lender	Total Amount of Post-Petition Mortgage Arrearage	Due Date(s) (MM/DD/YY)	Interest Rate	Treatment (\$/Mo or Pro Rata)

The Post-Petition *Mortgage Arrearage* shall be paid by the *Trustee* in the allowed amount and at the rate of interest, if any, set out in this *Plan Modification*. To the extent interest is provided, it will be calculated from the first day of the month that an order is entered approving this *Plan Modification*.

ANY CURRENT POST-PETITION MORTGAGE PAYMENTS WHICH HAVE BECOME DUE TO THE MORTGAGE LENDER AS OF THE TIME OF THE DATE TO RESUME CURRENT POST-PETITION MORTGAGE PAYMENTS UNDER THIS PLAN MODIFICATION WILL BE CLASSIFIED AS A POST-PETITION MORTGAGE ARREARAGE. IF DESIGNATED TO BE PAID PER-MO, SUCH POST-PETITION MORTGAGE ARREARAGE WILL BE PAID AS A LEVEL 5 CLAIM UNDER THE ORDER OF PAYMENT. IF DESIGNATED TO BE PAID PRO-RATA, SUCH POST-PETITION MORTGAGE ARREARAGE WILL BE PAID AS A LEVEL 6 CLAIM UNDER THE ORDER OF PAYMENT.

V. PROVIDE FOR OR MODIFY TREATMENT OF SECURED CLAIMS

Creditor Name	Claim Amount	Collateral Description	Value of Collateral	Interest Rate	Treatment (\$/Mo, Pro Rata, Direct, Surrender)

The automatic stay shall be terminated and the *Trustee* shall cease disbursements on any secured claim which is secured by any *Surrendered Collateral* (Surr), without further order of the court, pursuant to the General Order.

VI. PROVIDE FOR OR MODIFY TREATMENT OF PRIORITY CLAIMS

Creditor Name	Claim Amount	Interest Rate	Treatment (\$/Mo, Pro Rata, Direct, Surrender)

VII. DEBTOR'S COUNSEL'S FEE FOR THIS MODIFICATION

Total Amount of Fee	Amount of Fee Paid Direct	Amount of Fee to Be Disbursed by <i>Trustee</i>
400.00		400.00

Any additional attorney fee to be disbursed by the *Trustee* will be paid as set out in the Order of Payment.

VIII. ORDER OF PAYMENT

Unless otherwise ordered by the Court, all claims and other disbursements made by the Chapter 13 *Trustee* after the entry of an Order of Confirmation of the Chapter 13 *Plan*, whether pursuant to this *Plan Modification* or a further modification thereof, will be paid in the order set out below, to the extent a creditor's claim is allowed or the disbursement is otherwise authorized. Each numbered paragraph below is a level of payment. All disbursements which are in a specified monthly amount are referred to as "per mo." At the time of any disbursement, if there are insufficient funds on hand to pay any per mo payment in full, claimant(s) with a higher level of payment shall be paid any unpaid balance owed on a per mo payment plus the current per mo payment owed to that same claimant, in full, before any disbursement to a claimant with a lower level of payment. If multiple claimants are scheduled to receive per mo payments within the same level of payment and there are insufficient funds to make those payments in full, available funds will be disbursed to the claimants within that level on a pro-rata basis. Claimants with a higher level of payment which are designated as receiving pro-rata payments shall be paid, in full, before any disbursements are made to any claimant with a lower level of payment.

1st – Clerk's Filing Fee and Trustee's Percentage Fee(s) and Noticing Fees will be paid in full.

2nd - Current Post-Petition Mortgage Payments (as adjusted, if necessary, per General Order) which will be paid per mo. 3rd

- Secured Creditors designated to be paid per mo and Domestic Support Obligations which will be paid per mo.

4th – Attorney Fees which will be paid pro-rata.

5th – Post-Petition Mortgage Arrearage if designated to be paid per mo. 6th –

Post-Petition *Mortgage Arrearage* if designated to be paid pro-rata.

7th - Arrearages owed on Executory Contracts and Unexpired Leases which will be paid per mo. 8th

- Pre-Petition *Mortgage Arrearage* if designated to be paid per mo.

9th – Pre-Petition *Mortgage Arrearage* and Secured Creditors if designated to be paid pro-rata.

10th – All amounts allowed pursuant to a *Notice of Fees, Expenses and Charges* which will be paid pro-rata. 11th

- Priority Creditors Other than Domestic Support Obligations which will be paid pro-rata.

12th – Special Class Creditors which will be paid per mo.

13th – Unsecured Creditors other than late filed or penalty claims which will be paid pro-rata.

14th – Late filed claims by Secured Creditors which will be paid pro-rata unless otherwise ordered by the Court. 15th

- Late filed claims for DSO or filed by Priority Creditors which will be paid pro-rata.

16th – Late filed claims by Unsecured Creditors which will be paid pro-rata.

17th – Unsecured claims for a non-pecuniary penalty, fine, or forfeiture, or for multiple, exemplary or punitive damages, expressly including an IRS penalty to the date of the petition on unsecured and/or priority claims which will be paid pro- rata.

IX. PROVISIONS FROM PRIOR PLAN(S)

All other provisions as set forth in the last confirmed *Plan* or last subsequently approved *Plan Modification* remain the same.

Date: 1-06-2020 Respectfully submitted,

By: /s/ Wally W. Wadworth

Debtor's Attorney Bar No. MS100542

606 W. Wheatland Rd., Suite 107

Duncanville, TX (972) 298-3100 (972) 298-3333

law@wallywadsworth.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing DEBTOR'S MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION was served upon the Debtor(s) and the parties listed below by or under the direction of the undersigned by United States First Class Mail, postage paid, and electronically by the Clerk on all other parties entitled to electronic notice on the date of filing hereof.

Date Served: 1-06-2020	/s/ Wally. W. Wadsworth
	Attorney for Debtor

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1100 Commerce, 3rd Floor Dallas, TX 75242-1074

Department of Justice Washington, DC 20001

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Northern District of Texas Ft. Worth

Thu Jan 4 19:19:29 CST 2018

501 W. Tenth Street Fort Worth, TX 76102-3637 American Credit Accept 961 E Main St

Spartanburg, SC 29302-2185

Attorney General of Texas Collections Div- Bankruptcy Sec P O Box 12548

Austin, TX 78711-2548

Attorney General Child Support

Attn: Bankruptcy

PO Box 12017 credit Group Austin, TX 78711-2017

Attorney General of Texas- Child Support

Bankruptcy Reporting Contact OAG- CSD- Mail Cod 38

PO Box 12017

Austin, TX 78711-2017

Capital One Auto Finan 3901 Dallas Pkwy Plano, TX 75093-7864

Capitalone Po Box 30281

Salt Lake City, UT 84130-0281

Charleton Methodist Hospital 3450 W. Wheatland Rd.

Dallas, TX 75237-3470

Covington Credit 318 W. Jefferson St. Dallas, TX 75208-4601

Covington Credit-smc

318 W. Jefferson St. Dallas, TX 75208-4601 EECU Po Box 1777

Fort Worth, TX 76101-1777

Fed Loan Serv Po Box 60610

Harrisburg, PA 17106-0610

I C System Inc Po Box 64378

Saint Paul, MN 55164-0378

Internal Revenue Service Special Procedures - Insovlency

PO Box 7346

Philadelphia, PA 19101-7346

Law Office of Wally W. Wadsworth 606 W. Wheatland Rd.

Suite 107

Duncanville, TX 75116-4570

Methodist Health system 1441 N. Beckley AVE. Dallas, TX 75203-1201

Mrs Bpo Llc 1930 Olney Ave

Cherry Hill, NJ 08003-2016

Oak Cliff Finance 2632 S. Hampton Rd. Dallas, Tx 75224-2326

Santander Consumer Usa

Po Box 961245

Ft Worth, TX 76161-0244

Security Service Fcu 16211 La Cantera Pkwy San Antonio, TX 78256-2421

Speedy Cash 2601 Hampton Rd. Dallas, TX 75224-2325

Texas Alcoholic Beverage Commission Licenses and Permit Division

PO Box 13127

Austin, TX 78711-3127

(p) TEXAS COMPTROLLER OF PUBLIC ACCOUNTS REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION PO BOX 13528

AUSTIN TX 78711-3528

Texas Workforce Commission PO Box 149352 Austin, TX. 78714-9352

United Auto Credit Co 1071 Camelback St Ste 10 Newport Beach, CA 92660-3046

United States Attorney General Department of Justice Washington, DC 20001

United States Trustee 1100 Commerce Street Room 976 Dallas, TX 75242-0996 Case 17-45039-elm13 Doc 39 Filed 01/06/20 Entered 01/06/20 14:38:25 Page 7 of 7 1100 Commerce , Room9C60 Dallas, TX 75242-9998

Po Box 5185 Sioux Falls, SD 57117-5185 615 Lazy River Drive Duncanville, TX 75116-3518

Pam Bassel 7001 Blvd 26 Suite 150 North Richland Hills, TX 76180-8811 Rachel Hernandez Torres 615 Lazy River Drive Duncanville, TX 75116-3518 Wally Woodrow Wadsworth Wadsworth Law Firm 606 W. Wheatland Rd. Suite 107 Duncanville, TX 75116-4570

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Texas Comptroller of Public Accounts PO Box 13528 Capitol Station Austin, Texas 78711-3528

End of Label Matrix Mailable recipients 35 Bypassed recipients 0 Total 35